

# Notice of Allowability

Application No.

09/536,633

Examiner

Melvin H. Pollack

Applicant(s)

EZAKI ET AL.

Art Unit

2145

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 5/26/05.
2. ☒ The allowed claim(s) is/are 1,2 and 7-41.
3. ☒ The drawings filed on 05 April 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other see attached office action.

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1, 2, and 7-41 are allowed.
2. The following is an examiner's statement of reasons for allowance: the examiner agrees with the applicant in regards to the non-obviousness of the combination of features.
3. Re claims 1, 2, 40, and 41, the invention is drawn to a network management system which is capable of guaranteeing one or more nodes access to transmission bands when the one or more nodes have been approved for access, in which said access approval is used to solve access conflicts and write collision issues within a data management network. The system utilizes the combination of a recording medium apparatus, data manager, and access manager in order to not only approve and investigate access but to also secure transmission bands and utilize various band states of the network and of said recording medium apparatus. The system further uses a specific method of access granting, in particular by investigating an access state of said recording medium apparatus and to send access approval if one of three specific conditions are met. The number of entities, the specificity of the access testing, and the combination of network management, conflict resolution and band handling all combine to form a claim whose combination is novel and would not be obvious to one of ordinary skill in the art. Therefore, the case is allowed.
4. The examiner withdraws the old rejections on the grounds of the applicant's arguments regarding teachings for investigating access states of a recording medium apparatus and securing an I/O band of a recording medium apparatus by utilizing the aforementioned tests (P. 12, lines 21-25; P. 13, lines 19-29; P. 14, lines 12-16), and further regarding the lack of motivation

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regarding combination of granting access, investigating states and securing I/O bands within the recording medium apparatus environment (P. 15, lines 3-9), and further regarding the structure of more detailed independent claims (P. 15, lines 19-29). More specifically, the examiner has determined that the found art do not disclose the investigation and band securing method detailed in claim 1 and outlined above, and furthermore that the claims as presently drawn are in sufficient detail that an attempted combination would be non-obvious.

5. All other claims are dependent under the above independent claims, and are therefore

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They provide further teachings regarding the state of the related art at the time of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12 August 2005

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER